

## DECLARATION FOR PATENT APPLICATION

 Original Supplemental Substitute PCT

a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

COPY OF PAPERS  
ORIGINALLY FILED06/03/02

I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Surgical Navigation Systems and Processes for High Tibial Osteotomy

(Title of the Invention)

the specification of which (check one)

 is attached hereto was filed on February 27, 2002 as U.S. Application No. 10/084,291

and was amended

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a) - (d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified, by checking the box below, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Applications |         |                                     | Priority Claimed |    | Copy Attached |    |
|----------------------------|---------|-------------------------------------|------------------|----|---------------|----|
| Application Number         | Country | Foreign Filing Date<br>(MM/DD/YYYY) | YES              | NO | YES           | NO |
|                            |         |                                     |                  |    |               |    |
|                            |         |                                     |                  |    |               |    |
|                            |         |                                     |                  |    |               |    |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below and claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| Attorney and/or Agent  | Registration No. |
|------------------------|------------------|
| Suzanne Seavello Shope | 37,933           |
| Mitchell G. Stockwell  | 39,389           |
| Jeffery B. Arnold      | 39,540           |
| Houri Khalilian        | 39,546           |
| Mary Anthony Merchant  | 39,771           |
| Brenda Ozaki Holmes    | 40,339           |
| Michael J. Turton      | 40,852           |
| Yoncha L. Kundupoglu   | 41,130           |

| Attorney and/or Agent  | Registration No. |
|------------------------|------------------|
| Cynthia B. Rothschild  | 47,040           |
| John C. Alemani        | 47,384           |
| Geoffrey K. Gavin      | 47,591           |
| Janina Malone          | 47,768           |
| Aleta A. Mills         | 47,794           |
| Robert M. Stevens      | 47,972           |
| Christopher L. Bernard | 48,234           |
| Jeffrey S. Bernard     | 50,020           |

I acknowledge the above-listed attorneys and agents and their firm Kilpatrick Stockton LLP represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually. I further acknowledge I have not established, nor will I seek to establish, any personal attorney/client relationship with Kilpatrick Stockton LLP in connection with this application and understand that, should I require legal representation, I will obtain such, at my expense, other than through Kilpatrick Stockton LLP.

Send Correspondence to: Chief Patent Counsel  
 Smith & Nephew, Inc.  
 1450 Brooks Road  
 Memphis, TN 38116

Customer No. 30559

\*30559\*

Direct telephone calls to: James L. Ewing, IV, Esq. (404) 815-6494

30559

PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Christopher P. Carson

Inventor's signature Chris Carson

Date May 2, 2002

Residence 1057 Island Place East, Memphis, Tennessee 38103

Citizenship U.S.

Post Office Address Same as above

CORDATION FORM COVER SHEET  
**PATENTS ONLY**

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Christopher P. CARSON

**COPY OF PAPERS  
ORIGINALLY FILED**

06/03/02

Additional name of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

Execution Date: May 2, 2002

2. Name and address of receiving party(ies)

Name: Smith & Nephew, Inc.

Internal Address: \_\_\_\_\_

Street Address: 1450 Brooks Road

City: Memphis State: Tennessee Zip: 38116

Additional Name(s) & address(es) attached?  Yes  No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

60/271,818

60/355,899

10/084,291

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: John S. Pratt, Esq.

Internal Address: Kilpatrick Stockton LLP

Suite 2800

Street Address: 1100 Peachtree Street

City: Atlanta State: Georgia Zip: 30309

6. Total number of applications and patents involved: 03

7. Total fee (37 CFR 3.41) ..... \$ 120.00

Enclosed

Authorized to be charged to deposit account

8. Deposit account number:

11-0855

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James L. Ewing, IV, Reg. No. 30,630

Name of Person Signing

Signature

May 24, 2002

Date

Total number of pages including cover sheet, attachments, and documents: 03

ASSIGNMENT

WHEREAS, I, Christopher P. Carson, have invented certain improvements in "Image Guided System for Arthroplasty" for which a provisional application was filed in the U.S. Patent and Trademark Office on February 27, 2001 and assigned U.S. Provisional Application No. 60/271,818; and in "Surgical Navigation Systems and Processes" for which a provisional application was filed in the U.S. Patent and Trademark Office on February 11, 2002 and assigned U.S. Provisional Application No. 60/355,899; and in "Surgical Navigation Systems and Processes for High Tibial Osteotomy" for which a utility application was filed in the U.S. Patent Office on February 27, 2002 and assigned U. S. Serial No. 10/084,291; and

WHEREAS, Smith & Nephew, Inc., a Delaware corporation having an office at 1450 Brooks Road, Memphis, Tennessee 38116, desires to purchase same;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by Smith & Nephew, Inc., the receipt and sufficiency of which are hereby acknowledged, I have sold, assigned, transferred and conveyed and by these presents do hereby sell, assign, transfer and convey unto Smith & Nephew, Inc., in and for the United States and its territories and foreign countries, the entire right, title and interest in and to said provisional and utility application and any application claiming priority thereto, in and to the invention therein set forth and in and to any patent which may issue on said utility application or any reissue, renewal, divisional, or continuation thereof; and I hereby bind myself, my heirs, legal representatives, administrators and assigns properly to execute without further consideration, any and all applications, petitions, oaths and assignments or other papers and

U.S. Provisional Application No. 60/271,818

U.S. Provisional Application No. 60/355,899

U.S. Serial No. 10/084,291

ASSIGNMENT

instruments which may be necessary in order to carry into full force and effect the sale,

assignment, transfer and conveyance hereby made or intended to be made.

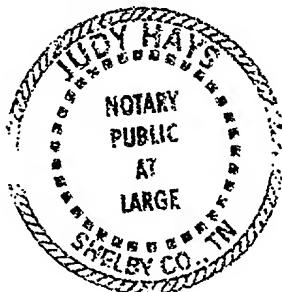
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2 day of

May, 2002.

Chris Carson  
Christopher P. Carson

STATE OF Tennessee )  
) ss.  
COUNTY OF Shelby )

On this 2 day of May, 2002, before me, a notary public, came Christopher P. Carson, to me known and known to be the individual described in and who executed the foregoing assignment, and he duly acknowledged the same to be his free act and deed.



Judy Hays  
Notary Public

My Commission Expires  
31 January 2004